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U. S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE
HENRY S. GRAVES, Forester.

THE NATIONAL FOREST MANUAL.

REGULATIONS OF THE SECRETARY OF AGRICULTURE AND INSTRUCTIONS TO FOREST OFFICERS RELATING TO AND GOVERNING SPECIAL USES OF THE NATIONAL FOREST LANDS.

ISSUED BY THE
SECRETARY OF AGRICULTURE,
TO TAKE EFFECT
MAY 1, 1911.

SPECIAL USES.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1911.

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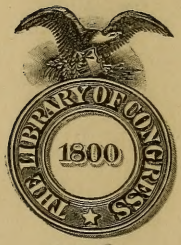

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U. S. DEPARTMENT OF AGRICULTURE,
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The Secretary * * * may make such rules and regulations * * * as will insure the objects of said reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of this act or such rules and regulations shall be punished (by $500 fine or 12 months' imprisonment, or both) as is provided for in the act of June 4, 1888, amending section 5388 of the Revised Statutes of the United States. (Act of June 4, 1897, 30 Stat., 11.)

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THE NATIONAL FOREST MANUAL.

The fullest possible use of National Forest lands and resources is desired and will be encouraged, with no restrictions except such as are necessary to accomplish the purposes for which the National Forests are created.

Administrative jurisdiction over National Forests is conferred by law upon the Secretary of Agriculture (act of Feb. 1, 1905, 33 Stat., 628), who is authorized to regulate their occupancy and use (act of June 4, 1897, 30 Stat., 11).

The Secretary of the Interior has jurisdiction of all matters relating to the patenting and official survey of lands in the National Forests, and of grants of rights of way amounting to easements. By the practice and regulations of the Department of the Interior applications for rights of way in the National Forests are referred to the Secretary of Agriculture by the Secretary of the Interior for recommendations before final action thereon.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington.

By virtue of the authority vested in the Secretary of Agriculture by the act of Congress of February 1, 1905 (33 Stat., 628), amendatory of the act of Congress of June 4, 1897 (30 Stat., 11), I, James Wilson, Secretary of Agriculture, do make and publish the following regulations for the occupancy and use of National Forest lands under "special-use" permits, the same to supersede all previous regulations for like purposes and to be in force and effect from the 1st day of May, 1911, and to constitute a part of the Use Book.

In testimony whereof I have hereunto set my hand and official seal, at Washington, D. C., this 18th day of March, 1911.

JAMES WILSON,
Secretary of Agriculture.

SPECIAL USE REGULATIONS.

Reg. L–31. All uses of National Forest lands and resources, except those specifically provided for in regulations governing water power, timber sales, timber settlement, the free use of timber, and grazing, will be designated "special use." Permits for special uses, except for the excavation of antiquities under the act of June 8, 1906, and except for the lease of lands under the act of February 28, 1899, may be granted, extended, and renewed by the Forester, the District Forester, or the Forest supervisor, with such conditions as to area, time, charges, and other requirements as may be provided for by these regulations, or as may be deemed necessary to protect the National Forests. Permits for the excavation of antiquities and for the lease of lands under the act of February 28, 1899, will be granted and revoked only by the Secretary of Agriculture. Permits for sale of wild hay may be granted by Forest officers designated by the Forest supervisor. Special-use permits, except for the excavation of antiquities, and except for the lease of lands under the act of February 28, 1899, may be revoked by the Forester or the District Forester and not by the supervisor. Applications for permits for special uses shall be made to the supervisor of the Forest within which the lands or resources are situated. Appeal will lie in the first instance to the District Forester, from his decision to the Forester, and from his decision to the Secretary of Agriculture, in all matters covered by these special-use regulations.

Reg. L–32. No charge will be made for the following classes of special-use permits:

(*a*) Excavation of antiquities under the act of June 8, 1906.

(*b*) Agricultural use by applicants having preference rights under the act of June 11, 1906.

(*c*) Schools, churches, and cemeteries.

(*d*) Cabins for use of miners, prospectors, trappers, and stockmen in connection with grazing permits, provided that stockmen's cabins used during the entire year as headquarter ranches will be classified as residences and charged for accordingly.

(*e*) Corrals, stock tanks, and drift fences in connection with grazing permits.

(*f*) Dipping vats where no toll is charged.

(*g*) Inclosures allowed under regulation L–37.

(*h*) Sawmills sawing principally timber obtained from the national forests.

(*i*) Conduits and reservoirs for irrigation or mining or municipal water supplies.

(*j*) Roads and trails (which must be free public highways).

(*k*) Logging railroads and tramways hauling timber obtained principally from the National Forests.

(*l*) Telephone lines with free use and free connection by Forest Service.

(*m*) Telegraph lines with free use of poles for stringing Forest Service telephone lines.

(*n*) Stone, earth, and gravel used for projects constructed under permit.

(*o*) Special use by claimant inconsistent with development of an unperfected claim on lands which are part of a National Forest.

(*p*) Small advertising signs which also serve as guideposts.

Reg. L–33. The occupancy and use of National Forest land or resources under a special-use permit, except as provided in Regulation L–32, shall be conditioned upon the payment of a charge, which, unless otherwise authorized by the Secretary of Agriculture, shall be based upon the following rates:

Kinds.	Rates per annum.	Explanation.
Agricultural	$0.25 to $1 per acre. Not under $2 for any permit.	Not over 160 acres to any one permittee. (Free to preferred applicants under act of June 11, 1906.
Apiaries	Minimum $5, 10 cents per hive for each hive over 50; hives to be counted in March each year.	1 to 3 acres.
Cabins	$3 to $5	1 acre or less. (Free to trappers, miners, and prospectors; and to stockmen in connection with grazing permits.)
Dipping vats (toll vats).	$10 to $20	2 acres or less.
Gravel	$0.02 per cubic yard; not under $2 for any permit. Special rates on area basis.	Free for projects constructed under permit.
Hay cutting	$0.20 to $0.50 per acre; not under $2 for any permit.	
Hotels and roadhouses.	$10 to $50	1 to 3 acres.
Lime kilns	$10	1 acre.
Pastures	$0.04 to $0.25 per acre; not under $2 for any permit.	Not over 320 acres to any one permittee. (Charge is in addition to regular grazing fee.)
Railroads	$5 per mile	No charge for logging railroads hauling timber obtained principally from the National Forests.
Residences	$5 to $25	1 to 3 acres.
Resorts	$10 to $50	Do.
Sawmills, under 20,000 feet per day, sawing principally private timber.	$10	1 to 10 acres. (No charge for mills sawing principally Government timber.)
Sawmills, over 20,000 feet per day, sawing principally private timber.	Special rates	
Slaughterhouses	$10 to $20	1 to 3 acres.
Stage stations	$5 to $15	2 acres or less (without hotel features).
Stores	$5 to $50	2 acres or less.
Tramways (aerial)	$10 to $50	No charge for tramways conveying timber obtained principally from the National Forests.
Telegraph lines	Special rates	No charge if applicant enters into agreement for free use of poles by Forest Service for stringing telephone lines.
Telephone lines	do	No charge if applicant enters into free use and free connection agreements.

Within the maximum and minimum rates established herein the Forest supervisor will determine the rate to be charged in each case.

Rates for special uses not herein provided for shall be determined by the District Forester in each case, and such rates shall be consistent with the rates herein established for similar special uses.

Compensation for the use of lands under the act of February 28, 1899, for hotels and dwellings adjacent to mineral and medicinal springs, shall be determined by the Secretary of Agriculture.

In case of abandonment and issuance of new permit any payments made upon the original permit may apply on the new permit, in the discretion of the District Forester.

Reg. L–34. In serious emergencies for the protection of life or property National Forest material may be taken without previous permit, provided a permit for the material so used and for the special use involved is subsequently secured at the earliest opportunity.

Reg. L–35. The Forest supervisor may, in his discretion, issue permits to any road district, county, person, or corporation for the free use of timber, stone, and other National Forest products for the construction or maintenance of roads or trails within National Forests, without prejudice to any free-use application they may make in the same year for material for other purposes, when such roads or trails are of sufficient public benefit to justify the free use. When the public benefit does not justify such free use the permittee must pay for all merchantable timber cut or destroyed upon the lands occupied under permit, under timber settlement regulations; or if timber outside such lands is required, under timber-sale regulations.

Reg. L–36. Wagon roads over National Forest lands may be constructed, changed, widened, or repaired without permit by States or counties. With this exception, permits are necessary for the construction of all wagon roads over such lands. Trails may be constructed without formal permit if done with the consent and under the supervision of a Forest officer, except that in the National Forests in Alaska such consent and supervision will not be required. No toll shall be charged for the use of roads or trails over such lands, constructed under the authority of the Secretary of Agriculture, and the same shall be open to free public use at all times.

Reg. L–37. Persons who own or have leased from the owners unfenced lands adjoining National Forest lands may, upon waiving their right to the exclusive use of such private land and allowing it to remain open to other stock grazed on National Forest lands under permit, be permitted without charge to inclose and use not to exceed 320 acres of National Forest land, when such an arrangement will be advantageous to the administration of the National Forest.

The application must be accompanied by a personal certificate of title showing the description and ownership of the land, and if leased from an owner, a copy of the lease, and must describe the National Forest land it is desired to occupy. Permits will be subject to the same restrictions as those issued under other regulations.

PROCEDURE IN SPECIAL USES.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, March 18, 1911.

The following procedure and instructions are hereby established and issued, to take effect on May 1, 1911, governing the enforcement of the special-use regulations of the Secretary of Agriculture made and promulgated for the use, occupancy, and protection of the National Forests.

H. S. GRAVES, *Forester.*

Approved:
JAMES WILSON,
Secretary.

Definition of special uses.

All uses of National Forest lands and resources permitted by the Secretary of Agriculture, except those specifically provided for in regulations covering water power, timber sales, timber settlement, the free use of timber, and grazing, are designated "special uses." Among these are the use or occupancy of lands for residences, farms, apiaries, dairies, schools, churches, stores, mills, factories, hotels, sanitariums, summer resorts, telephone and telegraph lines, roads, and railways; the occupancy of lands for dams, reservoirs, and conduits, not used for power purposes; and the use of stone, gravel, sand, etc.

Applications.

Applications need not be in any prescribed form, but may be made orally or by letter to the supervisor or district ranger. All applications made in error to the Forester or District Forester will be referred to the supervisor.

Ranger's report.

Upon receipt of the applications the supervisor will require from the ranger a report on Form 964. This report shall in each instance include a map either on the Form 964 or on a separate sheet. A report should also be made on Form 578*b* when the use involves the cutting or destruction of timber. Conflicts will be determined by field examination rather than from the record and maps.

Marking boundaries.

Whenever the land to be occupied under a special use permit will not be inclosed, the field officer should mark the boundaries, if practicable, in order to avoid disputes.

Reference to Reclamation Service.

If any special use involves the storage or diversion of water (except water stored in stock tanks) the supervisor will notify the supervising engineer of the Reclamation Service of the location and extent of the storage and diversion, including a plat if necessary. The supervisor will not issue the permit until he has received notification from the supervising engineer that the proposed use will not interfere with any project of the Reclamation Service.

Special clauses in free permits.

When a free permit is issued, under regulation L–32, the reason for making no charge should be inserted in the blank space of the charge clause on page 1 of the permit, as:

(Telephone permits.) No charge in consideration of free use and free connections by the Forest Service.

No charge for miners' and prospectors' cabins.

No charge for irrigation and home-building enterprise.

Rates not provided for by regulation.

When an application for a special use is received for which no rate is established in regulation L–33, the supervisor will, before issuing the permit, submit the case to the District Forester with recommendations as to the rate to be charged. The District Forester will determine the rate in the manner prescribed in the regulation, and will return all the papers to the supervisor.

Annual payment due on first day of month.

Permits will provide that after the first payment is made the annual payments thereafter shall become due and payable on the first day of the month.

Preparation and issuance of permit.

Except as otherwise provided by the regulations, or by special instructions in any particular case, all special-use permits will be signed by the supervisor. Permits will be prepared on Form 832, in triplicate. One copy will be stamped "original," one "duplicate," and one "ranger's copy." Both original and duplicate copies will be signed. A letter of transmittal of payment (Form 861) in duplicate will be prepared and the original sent with the signed original copy of the permit to the permittee when a charge is made for the special use. The ranger's copy of the permit will be sent to the ranger, and the ranger's copy of Form 861 will be retained by the supervisor until he has received the original from the fiscal agent, showing that the payment has been made, whereupon the supervisor will note the payment on his card record (Form 619), send the original to the permittee as his receipt, and the duplicate to the ranger, detaching and retaining the duplicate stub for his files.

Record and notification of annual payments.

The supervisor will issue all notices and requests for annual payments, and will keep a collection calendar card record (Form 340) as a reminder for sending such notices of payments due. Since all payments come due on the 1st, the cards will be filed under monthly guides in the order in which payments are due. In every case the permittee will be notified on Form 362, one month before payment is due. If the payment has not been received 15 days after it is due, a second notice will then be sent, notifying him that the permit will be canceled if the payment is not received within 15 days of the date of the second notice.

Bonds in general.

As a general rule, bonds will not be required in connection with special-use permits. Dependence should be placed upon the stipulations in each permit to prevent damage to the Forest, and a bond should be required only when the permittee needs a continuous warning of the danger to the Forest.

Bonds in sawmill cases.

Because of the danger from fire or from stream pollution, an exception to this rule is made in the case of steam sawmills, and bonds should be required as follows:

Little danger	$300
Considerable danger	500
Great danger	1,000

Tenure of permits.

There is no law authorizing the lease of National Forest lands for a term of years, except the act of February 28, 1899 (30 Stat., 908), providing for the lease of lands adjoining mineral springs, but permits to occupy National Forest lands for any purpose not inconsistent with their administration may be issued for an indefinite period, and will remain in force until abandoned or canceled. All special use permits issued by supervisors will, therefore, contain the clause:

> This permit may be terminated at any time in the discretion of the District Forester.

Special-use permits issued to applicants in connection with grazing permits allow possession for the whole year, but the privilege of use only during the period covered by the grazing permit. Such special-use permits need not be closed at the end of the grazing season if the grazing permits are to be renewed the following year.

Term permits.

It may happen that a permittee wishes to build an expensive summer residence or make a considerable investment on the areas covered by his permit and declines to do so without some definite term of occupancy expressed in his permit. When this is the case, the following clause may be inserted, and the permit sent the District Forester for approval:

> This permit shall terminate after _____ years from the date of its approval, or on _____, 19__. It may also be terminated by the District Forester prior to that date for the violation of its terms or for serious interference with the administration of the National Forests, and may be terminated by the Secretary of Agriculture at any time in his discretion.

Suitable areas near mineral or medicinal springs may be leased for the purpose of the erection thereon of sanitariums, hotels, or temporary dwelling houses in accordance with regulation 31.

Highest use.

National Forest land should not be devoted to an inferior use so as to preclude a higher use. For instance, after the issuance of a pasture permit it may be found that the area covers the only available reservoir site for the water supply of the community. In such a case the District Forester should exercise his discretion and cancel the permit. Compensation should be made if possible by refunding unearned payments or by granting another area for pasture purposes.

Wherever possible, this point should be determined during the field examination and where it is evident that eventually a higher use can be made of the area than the one applied for, a clause should be inserted providing for the higher utilization, thus:

> This permit is issued subject to an application for the use of the area for _____ (a reservoir for municipal purposes, an irrigation ditch, school purposes, etc.).

The welfare of the community or the number of people benefited should be the factor determining a higher use rather than the amount of money to be obtained for the use.

Rejection of applications.

If the supervisor rejects a special-use application, he will at once inform the applicant by letter, giving the reason for rejection and will forward all papers in the case to the District Forester for review. All papers will be returned to the supervisor for filing.

Revocation of permits.

The supervisor will not revoke special-use permits. When the necessity for revocation arises, the supervisor will report the case to the District Forester, who will take the necessary action in cases where the permits were issued by the supervisor. Permits issued by the District Forester will be revoked by the Forester or the Secretary of Agriculture. Notice of revocation of permit will be sent in duplicate to the supervisor, the original for transmittal by registered mail to the permittee.

CLOSING SPECIAL-USE CASES.

Cases closed by supervisors.

The supervisor should promptly close all special-use cases terminated by nonacceptance or abandonment. If the permit was issued by the District Forester, the supervisor should notify that officer of the action. Notice that the case is closed will be sent the applicant or permittee and a copy of the notice filed with the record.

Failure to make first payment.

If the permittee fails to make the first payment, and to avail himself of the privilege granted, the supervisor may close the case, and no specific revocation is necessary, since charge permits do not become effective until the first payment is made, but the notice of closure will be sent the permittee.

Closing road and trail cases.

When the construction of a road or trail is completed, the supervisor should close the case by filing with the record a statement of such completion of construction.

Closing cases upon entry of land.

In the case of agricultural permits to Forest homestead applicants, the supervisor will close the case when he is notified that the land has been listed by the Secretary of Agriculture with the Secretary of the Interior under the act of June 11, 1906.

Closing hay-sale cases.

Hay-sale cases will be closed immediately upon receipt of notice of payment and of removal of crop, by filing with the record a statement of such payment and removal.

ANCIENT RUINS AND RELICS.

Statutory provision.

Appropriating, excavating, injuring, or destroying any historic or prehistoric ruin or monument, or any object of antiquity without permit is prohibited by specific act of Congress.

Action by District Forester.

Any application for a permit to examine ruins, excavate archæological sites, or gather objects of antiquity on National Forest lands, shall be referred to the District Forester, who will see that the application is in accordance with the uniform rules and regulations of the Secretaries of the Interior, Agriculture, and War, under the act of June 8, 1906 (34 Stat., 225), and will require any necessary amendments of the application. He will submit the application, together with his recommendations (based on the supervisor's report), to the Forester, who will refer the application to the Smithsonian Institution for recommendation.

When the application is approved by the Smithsonian Institution, the Forester will prepare a permit in quintuplicate for the signature of the Secretary of Agriculture. After the original has been signed by the Secretary it will be sent with three copies to the District Forester, who will forward the original to the permittee, and two copies to the supervisor, one for his files and one for the ranger concerned.

Action by Forester.

HOTELS AND DWELLINGS ADJACENT TO MINERAL SPRINGS.

Suitable areas adjacent to mineral or medicinal springs for the erection thereon of sanitariums, hotels, or temporary dwelling houses may be leased, under the act of February 28, 1899 (30 Stat., 908), for such periods and upon such terms as to duration and compensation as may be approved by the Secretary of Agriculture. In accordance with regulation L–31, the lease will be signed by the Secretary of Agriculture. The application must be filed with the supervisor, who will forward it to the District Forester, accompanied by special-use report (Form 964). The District Forester will forward it to the Forester with his recommendations as to the conditions upon which the privilege is granted, its duration, and the compensation to be required. After the application has been approved by the Secretary of Agriculture and the necessary action has been taken by the Forester, the papers will be returned to the District Forester.

SPECIAL USE ON ADMINISTRATIVE SITES.

National Forest lands selected for administrative purposes may be used under special-use permits, as any other National Forest lands, as long as the special use does not prevent or interfere with the administrative use. Prospecting which does not interfere with administrative use should be allowed without formal permit.

Must not interfere with administrative use.

All permits for use of administrative sites will contain the following conditions:

Permits to cease when site needed.

This permit will be abandoned by the permittee on 30 days' notice from the supervisor that the land is needed for administrative use by the Forest Service.

ADVERTISING SIGNS.

No permits will be issued for conspicuous or unsightly advertising signs. There is no objection to small signs which will serve also as guideposts where guideposts are necessary. Such permits will be issued free of charge. (Regulation L–32.)

Unsightly signs not permitted.

ROADS AND TRAILS.

No permits are necessary for the construction or repair of State or county roads. Forest officers will confer with the authorities in charge of such work and will cooperate with them in the disposal of refuse and in safeguarding the National Forests against injury.

Permits unnecessary for State and county roads.

Free use of materials for public roads.

The supervisor may, in his discretion, permit the free use of National Forest material and products for the construction or repair of roads or trails within National Forests, with prejudice to any free-use application made in the same year for material and products for other purposes, when such roads or trails are of sufficient public benefit to justify the free use. The regular free-use permit form will be used. When the road or trail is of a private nature and the applicant is not entitled to a free use, the timber used or destroyed in its construction must be paid for. (Regulation L–35.)

CONDUITS AND RESERVOIRS FOR IRRIGATION.

Free permits.

No charge will be made for permits for irrigation projects. (Regulation L–32.)

Easements.

As under the act of March 3, 1891, as amended by the act of May 11, 1898, easements can be secured for irrigation projects on National Forests, it is unlikely that supervisors will be called upon to issue permits for many large projects, although applications may be received pending the approval of application for easement to the Department of the Interior.

Procedure.

For small projects the procedure will be the same as in other special-use cases. For large projects more accurate and detailed maps may be required, and also prima facie evidence of water appropriation and plans for dams and other structures, if the supervisor considers such requirements necessary.

Examination by District engineer.

If in the opinion of the supervisor an examination should be made by the District engineer, he will make such a request to the District Forester, who, if he considers it advisable, will authorize the examination.

Water power.

The report of the Forest officer should show, if possible, whether or not any development of water power for the generation of electric energy is contemplated.

TELEPHONE LINES.

Permits necessary.

Permits are necessary for all telephone lines within National Forests. They will be issued with the provision for free use and free connection by the Forest Service, and no charge will be made. Only in exceptional cases will permits be issued without the provision for free use and free connection, and in such cases the charges will be determined for each case on its individual merits.

Telephone lines on county roads.

Permits are also necessary for all telephone lines along county roads. Congress granted rights of way over the public land for highways. (U. S. Rev. Stat., sec. 2447.) By that grant the lands of the United States were subjected to the servitude of a highway for the benefit of the county. Telephone companies must, of course, secure the consent of the county authorities for the construction of these lines, but the county's title and interest is only that of a right of way, while the fee in the land remains in the United States.

Hence a telephone line on a county road through National Forest lands can be operated lawfully only under permission from the Forest

Service, notwithstanding any permission from the county. It has been generally settled by the courts that telephone lines, when constructed along a highway, are an additional servitude, and that the owners of abutting land can require compensation for damages through the construction of such telephone lines. The State legislature can empower a county to impose such an additional servitude upon private lands, provided reasonable compensation is paid, but it can give no authority to impose it on the lands of the United States.

TELEGRAPH LINES.

Permits necessary.

Permits are necessary for all telegraph lines within National Forests, even along county roads, as in the case of telephone lines. No charge for permits will be made if the applicant agrees to allow the Forest Service the use of the poles for stringing telephone lines needed by the Forest Service in connection with the administration of the National Forests and to be used exclusively for official business.

SPECIAL USES ON CLAIMS.

If a permit is granted to a claimant for special uses on an unperfected claim for purposes outside its development, no charge will be made if such use is made by the claimant. Before a permit for special uses on an unperfected claim for purposes outside its development is granted to any other person, the written consent of the claimant must be obtained by the applicant and filed with the supervisor, and the permit will be conditioned upon the payment of the charges fixed by regulation L–33. In each case, before such a permit is issued, it will be submitted to the District Forester for the purpose of obtaining from the District assistant to the Solicitor an opinion whether, under the proclamation affecting the land involved, there is any authority in the Forest Service to issue a permit in respect thereto. (For procedure when claims are occupied and used without permit for purposes not consistent with their development, see "Forest Protection.")

PERMITS ON FOREST HOMESTEADS.

Free permit on agricultural land.

All persons who settled on agricultural lands in National Forests before January 1, 1906, and have not abandoned their claims, may, if qualified, perfect title under the Forest homestead act, and in the meantime may occupy and enjoy their holdings without permit. Other applicants under the act, who appear to have the preference right of entry under that act, may be issued permits without charge for the agricultural use of so much of the land applied for as, in the opinion of the supervisor, is chiefly valuable for agriculture, provided that the land is not adversely claimed under settlement made before its withdrawal, or after its withdrawal and before January 1, 1906.

Payments to cease on application under act of June 11, 1906.

When land covered by a paid agricultural permit is applied for by the permittee under the Forest homestead act, and the permittee is entitled to its free use in accordance with the above instructions, the old special-use case should be closed immediately and a free permit issued.

Residence upon the land under the special-use permit can not count as a part of the statutory residence period required before making final proof. Under a ruling of the Department of the Interior, of January 12, 1910, persons who are permitted to occupy National Forest lands for agricultural purposes under special-use permits and who afterwards make a Forest homestead entry on the land must show five years' actual residence after entry.

Residence under permit not credited on final proof.

DRIFT FENCES.

Drift or division fences may be allowed under permit when they will facilitate the National Forest administration, and will not interfere with the full use of the range by all who are equitably entitled to it.

Permitted if benefiting Forest administration.

A fence may be constructed or maintained if it does not give control of an area in excess of that actually required for pasturage of the stock which the person or persons maintaining it would be entitled to graze or give individual control of particularly desirable portions of the range.

Conditions of granting permit.

If the range controlled by a fence is excessive in area and ought to be shared by permittees in addition to those now using it, the fence must be either removed or changed or the range opened to other permittees who are entitled to share in its use.

Removal or change of fences.

All drift or division fences must be provided with gates at such points as are necessary to allow proper ingress and egress.

Gates in fences.

Whenever drift fences are needed for the better control of stock grazed under permit, all forest material needed for use in their construction may be furnished from the National Forest free of charge, and in cases where the circumstances justify it the necessary wire and staples may also be furnished, if the stockmen using the range are willing to construct such fences with the understanding that they will become the property of the United States.

Free use of materials.

Permits for drift fences will be granted without charge if necessary to control stock grazed under permit.

Charge.

The map accompanying the report should in each case show the location of the drift fence and its length in rods or miles.

Map.

If a person maintaining fences upon the public lands applies for a special-use permit for the construction and maintenance of a part of the same fence or of another fence upon National Forest land, the supervisor will, before issuing a permit, prepare a letter for the signature of the District Forester to the Chief of Field Division of the General Land Office, informing him of the existence of such fence on the public land and asking him whether the issuance of such special-use permit by the Forest Service would in any way embarrass the Department of the Interior. If no objection is made by the Department of the Interior, such special-use permit may be issued.

CORRALS.

Area permitted.

Permits for corrals covering an area of not more than 1 acre may be issued without charge when necessary for the proper handling of permitted live stock on a National Forest.

PASTURES.

Area.

The construction of inclosures may be allowed when necessary for the proper handling of permitted stock. Only such area, not to exceed 320 acres, shall be allowed as is necessary in each individual case. Pasture permits allow exclusive possession during the entire year, but do not convey the right to graze stock within the inclosure, except in connection with and during the period covered by the grazing permit. Stock exempt from fee may be allowed to graze within a pasture during the year-long period.

Access to water.

In pasture permits provision must be made, when necessary for utilization of the adjoining range, to allow free access to water by any stock grazing under permit.

Use of inclosures.

Inclosures will be allowed:

(*a*) To pasture saddle horses, milch or work animals, graded or pure-bred stock, and bulls or rams.

(*b*) To pasture beef or stock cattle which are being gathered and held just previous to their removal from the Forest, and to pasture calves which are being weaned.

(*c*) To give settlers who live upon lands either within or on the border of a National Forest the exclusive use of adjoining pasture lands during the portion of the year when needed for protection against other stock.

Exempt stock.

Inclosures for stock exempt from permit should not be greater than is needed for 10 head, and, unless there is good reason for it, not more than 80 acres should be allowed for this purpose.

Protection of timber.

When the area applied for includes land now bearing trees the effect which grazing would have on reproduction should be carefully considered before the application is approved.

Determination of charge.

In fixing the charge within the minimum and maximum established by regulation L–33, the character of the land, the quantity of the pasturage, the presence of permanent water, and the demand should all be considered. An advance over the minimum should be made whenever the area applied for is particularly desirable.

Combined uses under permit.

Pasture, agricultural, and wild-hay land may be allowed under a single permit, but in no case shall the agricultural land exceed 160 acres nor the pasture land 320 acres, and the charges for the three uses will be calculated separately on the basis of the rates established in regulation L–33. The dominant use will determine the case designation of the combined permit.

Pastures in connection with hotels.

When an applicant for a pasture in connection with a hotel or summer resort desires to make a charge for pasturing animals owned by his guests, this should be considered in fixing the rate per acre, and a higher charge made than when the pasturing is to be allowed free. The permit should fix the maximum number of animals which may be allowed to graze within the pasture at any one time and the maximum charge per head per day which may be made, the amount not exceeding 15 cents. Such pastures must not in any case include all of the available grazing land or camping grounds in the vicinity, but must leave opportunity for the public to camp outside if they desire so to do.

PERMITS UNDER REGULATION L–37.

A permit to inclose and use not to exceed 320 acres of Forest land without charge may be granted in exchange for a waiver of exclusive use of private lands adjoining National Forest lands when such an arrangement will be advantageous to the administration of a national forest. (Regulation L–37.)

Status of land involved.

Before issuing permits under regulation L–37 the supervisor must determine that the title to the land for which a waiver to its exclusive use has been given has passed from the United States and that the applicant has the right to its use. (See Forest Surveys and Boundaries—Forest Atlas—Alienation.)

Permits may be based upon the following:

Patented land.

(*a*) Lands for which patent has issued by the United States.

Railroad land.

(*b*) Railroad lands within the primary limits of a grant made by Congress, on land not classified as mineral.

Procedure by supervisor.

When an application for an inclosure permit in exchange for the use of private lands is received, a record will be made showing the name and address of the applicant and description and acreage of the land owned or leased for which a waiver to the exclusive use is given. If after careful investigation it appears advisable, the supervisor will issue the permit in triplicate, sending the original to the applicant, filing the duplicate, and sending the triplicate to the ranger in charge of the district.

STOCK TANKS.

Free permits.

Permits for the construction of stock watering tanks may be issued free of charge to grazing permittees, provided that all stock grazed under permit upon the range are allowed access to the water. The inclosure of not more than 40 acres in connection with the watering place may be allowed when necessary for the protection of the range, for which the usual pasture charge will be made. The inclosure of existing sources of water supply will not be allowed, and permits allowing the improvement or development of such sources of water supply must provide that the water will be left open for the use of all stock grazed upon the range under permit.

WILD HAY.

Permits to cut wild hay growing on National Forest lands may be issued on an acre basis by the supervisor or by Forest officers designated by him. Cutting will not be permitted until the Forest officer is assured that the purchase price has been forwarded to the United States depository.

Advance payment before cutting.

In issuing permits to cut hay preference should be given those applicants who actually need the hay for their own use rather than to those who contemplate selling it to others.

Preference applicants.

GAME PRESERVES AND FISH CULTURE.

No permits will be issued for game preserves or any use of land which would result in preventing or restricting lawful hunting or fishing in National Forests.

Permits for the exclusive use of land for reservoirs for fish culture may be issued if the land applied for does not involve a natural lake or natural stream bed.

SPECIAL REQUIREMENTS.

Such special requirements in special use cases must be inserted in the permits as are necessary to protect the interests of the National Forests.

The following special requirements will be inserted, except in unusual cases where they are not applicable:

Fish hatcheries or other uses on natural lakes and streams.

This lake (or stream) will be open and free to the public at all times.

Lawful fishing in the lake (or stream) during the open season shall not be prevented or restricted.

The United States Bureau of Fisheries has the right to use the lake (or stream) for purposes of artificial propagation.

Dams on fish streams.

To construct and maintain fish ladders or fishways which will enable fish to pass over the dam at all times.

Residences, resorts, etc.

To clear and keep premises clear of all inflammable refuse and undergrowth.

Logging railroads, tramroads, etc.

To clear and keep clear of all refuse, brush, or other inflammable material such width on each side of the track, and to observe such other precautions against fires as may be required by the Forest officers. (Where practical, to use only oil for fuel.)

Smelters, lime and charcoal kilns, etc.

To clear and keep the land clear of all refuse and inflammable substance, and to observe such other precautions against fire as may be required by the Forest officers.

To maintain effective apparatus to prevent the escape of any fumes injurious to vegetation.

Telephones.

To allow Forest officers the free use of the line for official business to the nearest switchboard or exchange outside of the Forest.

To allow the Forest Service to make connections with the line free of charge, and to charge no toll for any messages over connecting lines built and maintained by the Forest Service.

Roads and trails.

To build bridges at such points as the forest officer in charge may designate.

To build new roads or trails in place of any cut off or destroyed.

This road (or trail) within the ------ National Forest shall be open to free public use at all times.

Slaughter-houses.

To dispose of all offal in such manner as the Forest officer in charge shall require.

Drift fences.

To construct gates at such points as may be designated by the Forest officers.

This permit gives no right to the exclusive use of any lands, and the range controlled by the fence must be open at all times to other permittees who are entitled to share its use.

This permit shall be without effect except in connection with a grazing permit.

Corrals.

To allow the use of this corral by Forest officers and all persons holding grazing permits.

Corrals equipped with trap gates.

This corral shall, when in use, be examined every day by permittee, and all stock not owned or controlled by permittee shall be turned out upon the range.

Dipping vats.

To dispose of waste dipping solution and dead stock in such manner as the Forest officers shall require.

Only stock grazing in the National Forest under permit (or covered by a crossing permit) shall be dipped in this vat.

Pastures.

To leave watering places open to other stock grazing under permit.

To construct gates at such points as may be designated by the Forest officers.

This permit shall be without effect except in connection with a grazing permit.

This permit shall be canceled whenever any of the land inclosed is listed for settlement under the act of June 11, 1906.

The supervisor may in his discretion incorporate the following stipulation in pasture permits: "To allow the use of the inclosure at all times by the Forest officers for administrative purposes and for pasturing their saddle horses." This stipulation should only be inserted when such use is an administrative necessity, and in such cases the probable amount of use by Forest officers may be given consideration in fixing the fee to be charged.

When an inclosure is allowed under Regulation L–37, the following condition should be inserted in the permit: "The permittee, being the owner (lessee) of ------ (give description), shall allow the free and unrestricted use thereof to all stock permitted to graze on adjoining National Forest lands."

Stock tanks.

To keep the stock tank in good repair.

This permit shall be without effect except in connection with a grazing permit.

This permit is granted with the understanding that the stock tank when constructed shall not be destroyed and will become the property of the United States.

When the inclosure of a stock tank is allowed, the following condition will be added: "To allow the use of this inclosure at all times by the Forest officers for administrative purposes."

Sawmills.

To cut timber and dispose of all refuse, including sawdust and and waste material, as directed by the Forest officer.

To equip all steam engines with approved spark arresters.

To observe such other precautions against fire as may be required by the Forest officers.

INTERIOR DEPARTMENT RIGHTS OF WAY.

EASEMENTS.

EXPLANATIONS.

The following rights of way, amounting to easements across National Forest lands, are provided for by Congress and are under the jurisdiction of the Secretary of the Interior:

Jurisdiction.

The act of March 3, 1875 (18 Stat. 482), in so far as it is extended over National Forests by the act of March 3, 1899 (30 Stat., 1214), grants rights of way for railroads.

Railroad grant.

The act of March 3, 1891 (26 Stat., 1095), as amended by the act of May 11, 1898 (30 Stat., 404), grants rights of way across the public lands and National Forests for irrigation reservoirs and canals.

Grant for irrigation works.

Section 4 of the act of February 1, 1905 (33 Stat., 628), grants rights of way in National Forests for reservoirs, conduits, and water plants for municipal and mining purposes.

Grant for municipal and mining purposes.

All applications for rights of way under the foregoing acts must be filed in the proper local land office of the Department of the Interior.

Applications to local land offices.

Particular attention is called to the fact, however, that the acts above mentioned, granting rights of way amounting to easements for railroads, irrigation reservoirs and canals, and reservoirs, canals and water plants for mining and municipal purposes, do not in any way prevent or interfere with the securing of permits for these purposes from the Department of Agriculture. The issuance of a permit for any of the purposes named will not in any way prevent the permittee from filing a map of location for approval and record by the Secretary of the Interior under the right-of-way acts. The granting of an Interior Department right of way supersedes the permit issued by the Department of Agriculture.

Applicants may take Department of Agriculture permits.

The regulations of the Department of the Interior require that all applicants to that department for rights of way amounting to easements in National Forests shall enter into such stipulations and execute such bonds as the Forest Service may require for the protection of the National Forests.

Stipulations to protect National Forests.

All such applications, when received from the General Land Office at Washington will be referred by the Forester to the District Forester of the District in which the rights of way applied for are situated, in order that the District Forester may, before recommending the approval of the right of way, require the applicant to file such stipulations and bond, if any, as may be necessary to protect National Forest interests.

Applications referred to District Forester.

PROCEDURE.

Error in place of filing.

An application filed in error with the Forester, District Forester, or supervisor will be returned to the applicant for filing in the proper local land office.

Initial action by Forester.

When the Forester receives the map of application from the General Land Office he will make three prints and return the original with an appropriate letter. He will then send to the District Forester the prints and three carbon copies of his letter to the commissioner.

Initial action by District Forester.

Upon the receipt of the prints and carbons, the District Forester will forward two copies of each to the supervisor and retain one copy of each for his own files.

Action by supervisor.

Upon the receipt of the prints and carbons, the supervisor will forward one copy of each to the ranger, will cause an immediate field examination to be made, and will report with recommendations to the District Forester on Forms 964 and 578. When it appears to the supervisor that the right of way applied for will be used in connection with the development of water power or may conflict with such development, he will recommend to the District Forester that a field examination be made by the District engineer.

District engineer's examination.

If in the judgment of the District Forester a field examination by the District engineer is necessary he will cause such examination to be made. In such cases the District engineer will make a field examination of the project and collect all data bearing upon the case that may be necessary and available. Whenever practicable the supervisor will cooperate in making this examination.

If the right of way is to be used for a railroad, the District engineer should determine whether in his judgment the road, if built, will cross reservoir sites of special value or those likely to be needed in the near future, or will interfere with power or other development already projected. In such cases, the District engineer should report whether the power or other use is so immediate or so important as to justify the department in recommending to the Secretary of the Interior that he require a relocation of the line before approving the application.

If the application is for an irrigation right of way under the act of March 3, 1891, or for municipal or mining purposes under the act of February 1, 1905, the opportunity for the use of the right of way for other purposes, especially for the development of power, should be carefully investigated.

District engineer's report.

After the completion of the examination and the collection of data, the District engineer will submit to the District Forester a report in duplicate on the project, describing it in detail, and giving the results of his examination. If the application is under the act of March 3, 1891, or February 1, 1905, the report should state the amount of water to be used and the locality where used. If the development of power is contemplated or is possible, a careful estimate should be made of the amount of power capable of development, whether if developed it will be used commercially or otherwise, and the comparative value of the right of way if used as applied for, or if used for the development of power. The

report should contain recommendations, with a full and concise statement of the reasons therefor, concerning the approval or disapproval of the application. The duplicate copy of the District engineer's report will be sent to the supervisor for his files.

District Forester's action in favorable report.

If upon the showing made in the report of the supervisor or the District engineer the District Forester believes the application should be approved, he will prepare a stipulation in triplicate and submit the original to the applicant for execution. He will also send one copy to be retained by the applicant. Upon the receipt of the executed stipulation he will submit it to the District assistant to the Solicitor for approval as to its form and execution, and when approved the District Forester will prepare a letter to the Commissioner of the General Land Office for the signature of the Forester, reporting favorably upon the application, and will forward it, together with the executed stipulation, the supervisor's report, his own recommendations, and the correspondence file, to the Forester. A copy of the stipulation will be sent to the supervisor for his files. In cases reported upon by the District engineer, all papers, including his report, will be transmitted through the chief engineer to the Forester.

District Forester's action in unfavorable report.

If upon the showing made in the reports of the supervisor and the District engineer, or upon his own knowledge of the case, the District Forester believes that the application should not be approved, he will not prepare the stipulation for execution by the applicant, but will forward the reports, recommendations, and other papers as in the case of a favorable report. He will also prepare and forward with the other papers a letter for the signature of the Forester to the Commissioner of the General Land Office, stating the grounds upon which the unfavorable action is recommended. If, however, the application is not approved because it appears to have been made under the wrong act and not to the wrong department, as for instance, an application made under the act of March 3, 1891, instead of the act of February 1, 1905, the District Forester will prepare the stipulation as in a favorable report, present it for execution by the applicant, and transmit it with the other papers.

Action by chief engineer.

Upon the receipt of the report, recommendations, and other papers from the District Forester, the chief engineer will examine the papers and reports, and will forward them, together with his own recommendations, to the Forester.

Final action by Forester.

After the recommendation has been made to the Department of the Interior, the Forester will return all the papers in the case to the District Forester. When the Forester receives notice from the General Land Office that a right of way is finally granted or denied, or that proof of construction has been filed, he will forward such notice to the District Forester, who will inform the supervisor.

BREACH OF STIPULATIONS.

Judicial action necessary.

Legal proceedings are necessary to compel the grantee of rights of way to comply with the stipulations agreed to as a condition of the grant. Such proceedings will be under the direction of the Attorney General of the United States upon the recommendation of the Secretary of the Interior.

Action by supervisor.

In case of the breach of stipulations required by the Interior Department, on the recommendation of the Secretary of Agriculture, as a condition for the granting of rights of way amounting to easements in the National Forests, the supervisor will make a full report of the facts to the District Forester.

Action by District Forester.

In case of such a breach of stipulation by the grantee of the rights of way, the Department of Agriculture will report the facts to the Department of the Interior by a letter to the Secretary of that department, prepared by the District Forester in cooperation with the assistant to the Solicitor, for the signature of the Secretary of Agriculture, accompanied by all reports or other information bearing on the case.

FORFEITURE OF GRANTS.

Judicial action necessary.

Legal proceedings are necessary to secure the forfeiture of rights of way amounting to easements. Such proceedings will be under the direction of the Attorney General of the United States upon the recommendation of the Secretary of the Interior.

Action by supervisor.

The supervisor will report the facts to the District Forester when construction work or use of the rights of way is not completed within the statutory period, or when the rights of way are being used for the purposes not authorized by the act, as where a right of way secured under the irrigation right of way act is not used for the main purpose of irrigation, but for generating power for sale.

Action by District Forester.

In case of misuse or nonuse of rights of way amounting to easements in the National Forests, the Department of Agriculture will report the facts to the Department of the Interior by a letter to the Secretary of the Interior prepared by the district forester, in cooperation with the District assistant to the Solicitor, for the signature of the Secretary of Agriculture accompanied by all reports or other information bearing upon the case. In cases reported upon by the District engineer all papers will be transmitted to the Forester through the chief engineer.

Report of District engineer.

When misuse of rights of way is involved, an examination should be made by the district engineer, whenever in the judgment of the District Forester such examination is desirable. The report should set forth the character of the misuse and such other facts as would be presented in a report upon an original application. The report will be in duplicate and one copy will be sent to the supervisor for his files.

Form 832
(Revised March 18, 1911.)

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

Special-Use Permit

....., ..., ... National Forest.
(Kind of use.) (Date.)

Permission is hereby granted to .....

of ....., ..., to use the following-described lands: .....
(Describe the lands to be occupied, if unsurveyed, by metes and bounds with reference to a road or stream or well-known landmark; right of way by terminal points, direction, and lands occupied.)

.....

.....

.....

for the purpose of .....
(Briefly but clearly describe the use, giving area of inclosures, length and width of right of way, etc.)

.....

.....

.....

subject to the following conditions:

1. The permittee shall pay to the ..... National Bank of ..... (United States depository), to be placed to the credit of the Treasurer of the United States, in consideration for this use, the sum of ..... dollars ($.....), annually in advance from ....., 191..; and this permit shall have no force or effect until the first annual payment is made.
2. The permittee shall comply with all the laws and regulations governing National Forests.
3. This permit is subject to all valid claims.
4. The permittee and ..... employees, contractors, subcontractors, and their employees shall do all in their power, both independently and upon request of Forest officers, to prevent and suppress forest fires.
5. The permittee shall dispose of brush and other refuse as required by Forest officers.
6. The permittee shall pay the United States for any damage resulting from this use.
7. Construction work under this permit shall begin within ..... months, be completed within ..... years, and this use shall be actually exercised at least ..... days each year, unless the time is extended or shortened.
8. This permit is not transferable, and shall terminate upon breach of any of the conditions herein, or at the discretion of the Forester.

(Reverse side of Form 832.)

9. Timber shall be obtained .....
(State whether by purchase or under free-use permit.)

.....

10. .....
(Any further conditions required.)

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Form 80

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

Railroad Stipulations

Uses, ...
(Forest.)

..... (Railroad)..
(Name of applicant.)

.....
(Date of application.)

Whereas, the railroad right of way applied for by the .....

Co. (hereinafter called the Applicant) is within the ..... National

Forest, as shown by a certain tracing executed by .....

on ....., 19.., and filed in the United States Land Office at

....., State of ..... on .....

19.., and

Whereas, the regulations of the United States Department of the Interior concerning rights of way for railroads, reservoirs, canals, etc., provide that whenever such rights of way are located upon National Forests the Applicant must enter into such stipulations and execute such bonds as the Secretary of Agriculture may require for the protection of the National Forests; and

Whereas, the Secretary of Agriculture requires for the protection of said ..... National Forest that the Applicant shall enter into the stipulation hereinafter set forth;

Now, therefore, in consideration of the granting of the right of way applied for, the Applicant does hereby stipulate and agree, and does bind itself, its successors and assigns, as follows, to wit:

1. To clear and keep clear of all timber and other inflammable substance all of said right of way and all other lands owned or controlled by the Applicant as a right of way, however acquired, lying between the points where the center line of said right of way intersects said Forest boundaries and all lands of said forest within 200 feet of said center line; but the supervisor in charge of said National Forest may in writing specifically exclude from the operation of this clause such lands as he deems proper, as, for example, when a stream, the right of way of another railroad company, or other adequate fire break lies between the right of way of the Applicant and that part of the Forest which may be in danger from fire, to cut all trees, when physically possible, so that they shall fall entirely within the strip to be cleared, and to remove all timber that, when cut on the strip to be cleared, may fall without the strip.

2. To pay to the ..... National Bank of .....
(United States depository), or such other depository or officer as may hereafter be designated by the United States, to be placed to the credit of the United States, in advance of cutting or construction, as required by the supervisor of said National Forest, for all live and dead timber, standing and down, merchantable in the judgment of the Forest supervisor, cut, damaged, killed, or destroyed on said right of way and the additional strip referred to in clause 1, title to which, at the time of said cutting, damaging, killing, or destruction, is in the United States, and for all other merchantable live and dead timber on other lands of the United States damaged, killed, or destroyed in clearing said right of way in accordance with the scale or estimate of the Forest officers, at a rate to be fixed by the said supervisor which shall correspond to the prevailing stumpage rates charged on said Forest at the time said timber is cut, damaged, killed, or destroyed; and to dispose of all brush, refuse, or unused timber accumulating at such times upon such right of way or such additional strip in such manner as may be required by the Forest officers.

3. To build new roads and trails as required by the Forest officers to replace any roads or trails destroyed by construction work upon said right of way, and to build and maintain suitable crossings, as required by the Forest officers, for all roads and trails which intersect the right of way, or for the passage of live stock, such crossings to be protected by suitable cattle guards.

4. To require its employees, contractors, and employees of contractors, both independently and at the request of the Forest officers, to do all reasonably within their power to prevent and suppress fires.

5. To pay to the United States depository or other officer as aforesaid, on demand, for any and all damage caused by fire or otherwise to the United States by reason of the use and occupation by the Applicant of its right of way within the exterior boundaries of said National Forest; and whenever any fire shall originate on or within 200 feet of such right of way it shall be conclusively presumed to have resulted from said use and occupation, unless the Applicant shall show affirmatively either that the fire was set by others than itself, its employees or contractors, or the employees of such contractors, or that every locomotive, engine, and boiler used on said right of way at the time of such fire used oil exclusively for fuel, or that such of them as did not use oil exclusively for fuel were equipped with suitable spark arresters or other standard equipment to prevent the escape of sparks or fire from smokestacks, ash pans, fire boxes, and any other part.

6. To allow the Forest Service without charge to install and maintain telephone instruments in the railroad stations in said National Forest, and to string its telephone wires upon the poles erected by the Applicant along said right of way for the official business only of the Department of Agriculture: *Provided*, That no such instruments or wires so installed or strung shall be used in connection with or in furtherance of the transmission of messages by telegraph, except for the official business of the said department; to require train crews to notify station agents of fires and of their direction and distance from the station by the quickest practicable method; and the station agents to notify the Forest officers by means of such telephones of fires within said National Forest coming to their knowledge.

7. To adopt and put into effect such code or system of locomotive signals, for the purpose of notifying station agents of forest fires, as may hereafter be secured by the Forest Service in cooperation with the officials of railway companies of the United States operating railroads in National Forests.

8. To allow officers of the Forest Service free and unrestricted access in, through, and across all lands covered by said right of way in the performance of their official duties; and the Forest Service may without charge construct or permit to be constructed in, through, or across the land covered by said right of way, roads, trails, conduits, and other means of transportation not inconsistent with the enjoyment of said right of way by the Applicant, its successors and assigns.

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To make any assignment or transfer of said right of way only after and on condition that the assignees or transferees, jointly and severally, covenant in writing to fulfill and perform all the duties and obligations of the Applicant arising hereunder, including its obligations under this paragraph.

In witness whereof said Applicant has caused these presents to be executed, and its corporate seal to be hereunto affixed at....., ... on this.....day of....., 19...

.....

[CORPORATE SEAL.] By .....

Attest:

.....,

Secretary.

N. B.—Evidence of authority to execute this instrument must be submitted with it.

Form 81

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STIPULATIONS

(Irrigation, Municipal, Mining.)

(Acts Mar. 3, 1891; May 11, 1898; Feb. 1, 1905.)

Uses.....
(Forest.)

.....
(Name of applicant.)

(Reservoir) (Conduit).....
(Date of application.)

Whereas the.....right of way applied for by.....
(hereinafter called the Applicant..) is within the.....
National Forest, as shown by a certain tracing executed by.....
on....., 19.., and filed in the United States Land Office at
....., State of.....
on....., 19..; and

Whereas the regulations of the United States Department of the Interior concerning rights of way for railroads, reservoirs, canals, etc., provide that whenever such rights of way are located upon National Forests, the applicant must enter into such stipulations and execute such bonds as the Secretary of Agriculture may require for the protection of the National Forests; and

Whereas the Secretary of Agriculture requires, for the protection of said..... National Forest that the Applicant.. shall enter into the stipulations hereinafter set forth:

Now, therefore, in consideration of the granting of the right of way applied for, the Applicant.. do.. hereby stipulate and agree, and do.. bind himself, his heirs, executors, administrators, and assigns, and each of them jointly and severally (themselves, their heirs, executors, administrators, and assigns, and each of them jointly and severally) (itself, its successors, and assigns) as follows, to wit:

1. To pay to the.....National Bank of.....
(United States depository) or such depository or officer as may hereafter be designated by the United States, to be placed to the credit of the United States, in advance of cutting or construction, as required by the supervisor of said National Forest, for all live and dead timber, standing and down, merchantable in the judgment of the Forest supervisor, cut, damaged, killed, or destroyed, on said right of way, title to which at the time of said cutting, damaging, killing, or destroying, is in the United States, in accordance with the scale or estimate of the Forest officers, at a rate to be fixed by said supervisor, which shall correspond to the prevailing stumpage rates charged on said Forest at the time said timber is cut, damaged, killed, or destroyed; and to dispose of all brush, refuse, or unused timber accumulating at such times upon such right of way in such manner as may be required by the Forest officers.

2. To pay to the United States depository or officer.. as aforesaid, on demand, for all damage to said National Forest resulting from the breaking of, or the overflowing, leaking, or seepage of water from, the reservoir or ditch, and for all damage to said

National Forest caused by the negligence of the Applicant.. his (their) (its) employees, contractors, or employees of contractors.

3. To build new roads and trails, as required by the said Forest supervisor, to replace any roads or trails destroyed by construction work or flooding upon said right of way, and to build and maintain suitable crossings as required by the supervisor for all roads and trails which intersect the right of way.

4. To require his (their) (its) employees, contractors, and employees of contractors, both independently and at the request of the Forest officers, to do all reasonably within their power to prevent and suppress fires.

5. To allow officers of the Forest Service free and unrestricted access in, through, and across all lands covered by said right of way, in the performance of their official duties; and to allow the Forest Service, without charge, to construct or permit to be constructed in, through, or across the land covered by said right of way roads, trails, conduits, and other means of transportation not inconsistent with the enjoyment of said right of way by the Applicant...

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To make any assignment or transfer of said right of way only after and on condition that the assignees or transferees, jointly and severally, covenant in writing to fulfill and perform all the duties and obligations of the Applicant.. arising hereunder, including his (their) (its) obligations under this paragraph.

In witness whereof, said Applicant.. has (have) caused this instrument to be executed at .....on this.....

day of....., 19...

.....

.....

.....

.....

N. B.—When this instrument is executed by officers of a corporation, it must be accompanied by evidence of their authority to do so.

Form 861
(Revised June 1, 1910.)

LETTER OF TRANSMITTAL

See other side for instructions—read carefully.

....., *191*..

..... National Bank .....

United States Depository,

.....

There is inclosed herewith a (1) {money order / draft} for

..... dollars,
drawn payable to your order, to be placed to the credit of the Treasurer of the United States. This deposit is.....

.....
(First, second, or third payment; payment in full; to cover advertisement; to accompany bid, etc.)

.....

on account of.....
(Timber sale, special use, settlement for trespass, cooperative agreement, etc.)

.....

.....

..... National Forest.

(2) .....
(Signature of payer.)

(3) .....
(Post office.)

.....
(Signature of Forest officer.)

....
(Date in designation.) (Title.)

Designate transaction in accordance with instuctions in the Use Book.

.....
(Name.)

Deposit on account of .....
(Timber sale, special use, settlement for trespass, cooperative agreement, etc.)

..... National Forest.

$.....

[Reverse side of Form 861.]

INFORMATION FOR PERSONS MAKING PAYMENTS.

Indicate in the space marked (1) the character of your remittance, in (2) your name, and in (3) the address to which you wish the receipt sent. Failure on your part to make payments in the following manner will delay business: Make payments by postal or express money orders or by national-bank drafts, drawn payable to ..... National Bank ..... Do not send personal local checks. Send payment with the copy of this form furnished you by the Forest officer to ..... National Bank .....

INSTRUCTIONS TO FOREST OFFICERS.

Furnish this form to persons making payments for timber and for the use of land or other resources of the National Forests except grazing. Enter in the spaces provided the amount of the remittance and the designation of the transaction on account of which the payment is made.

Do not use this form for grazing permits.

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